

ORIGINAL

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Attorneys for class members Christina Naputi and Mary Grace Simpao.

**IN THE UNITED STATES
DISTRICT COURT OF GUAM**

JULIE BABAUTA SANTOS,
individually, and on behalf of all
those similarly situated,
Plaintiff,

vs.

FELIX A. CAMACHO, Governor of Guam, et al.
Defendants.

) D.C. Guam Civil Case No.
) CV04-0006

) **DECLARATION OF THOMAS J.
) FISHER**

I Thomas J. Fisher do declare and say;

1. Plaintiffs Christina Naputi and Mary Grace Simpao are represented by the law firms of Van de veld Shimizu Canto & Fisher, Hagatna, Guam and Tousley Brain Stephens PLLC, Seattle, Washington in this action as well as in *Naputi et al v. Guam*, CV 04-00049.

2. On behalf of Plaintiffs Naputi and Simpao, suit was commenced in the District Court of Guam, through complaint, on 03 December 2004 and through First Amended Complaint on 03 February 2005. *See id.*

Civil Case No. CIV04-00006
Declaration/ Thomas J. Fisher

FILED
DISTRICT COURT OF GUAM

MAR 25 2005

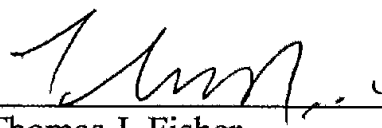
MARY L.M. MORAN
CLERK OF COURT

193

1 3. The aforementioned civil suit seeks, *inter alia*, to establish a claims
2 procedure for Guam Taxpayers to collect overpayments pursuant to the Earned
3 Income Tax Credit (EITC), recognize and pay claims already filed and enforce
4 and maintain statutorily mandated reserve and trust funds for EITC payments.

5 4. On 18 March 2005 I wrote letters to signatories to a stipulation and order
6 for mediation requesting participation in the mediation. *See exhibit A, attached.*

7 5. On 22 March 2005 I telephoned or met the same parties to discover their
8 respective positions regarding our participation in the mediation. Mr. Michael
9 Phillips, representing Plaintiff Santos, opposes our participation. The law firm
10 of Calvo and Clark, representing the Honorable Felix P. Camacho, Governor of
11 Guam, opposes said Participation. The Honorable Douglas B.K. Moylan,
12 Attorney General of Guam, representing Defendant Guam, does not oppose our
13 participation. Mr. Rawlen Mantanona representing the directors of the
14 Departments of Revenue and Taxation and Administration has neither
15 responded to the letter nor returned three telephone calls to his office. Similarly,
16 Ms. Shannon Taitano of the Office of the Governor has not returned telephone
17 calls. The positions, therefore, of Mr. Mantanona and Ms. Taitano are unknown.

18 
19 Thomas J. Fisher
20 Attorney for Plaintiffs Naputi and Simpao

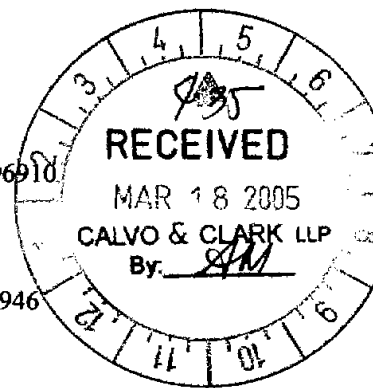
VAN DE VELD, SHIMIZU, CANTO, & FISHER

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March 18, 2005

VIA HAND DELIVERY TO:

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Calvo & Clark, LLP

655 South Marine Drive

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Attorneys for Felix P. Camacho, Governor of Guam

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Phillips & Bordallo, P.C.

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Hagåtña, Guam 96910

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Stephen A. Cohen

Robert M. Weinberg

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Pedro's Plaza

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Attorneys for Respondent: Government of Guam

Rawlen M.T. Mantanona Esq.

Mantanona Law Office

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Attorney for Respondents: Lourdes M. Perez and Artemio Ilagan

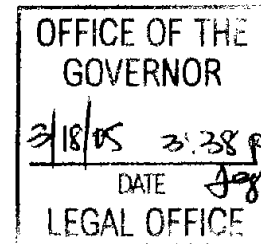
Shannon Taitano, Esq.

Office of the Governor of Guam

Ricardo J. Bordallo Building

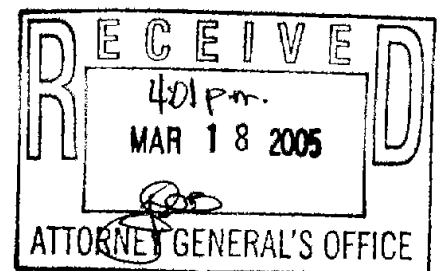
Adelup, Guam 96910

Attorney for Defendant Guam



**MANTANONA
LAW OFFICE**
A Profession Corporation

RECEIVED
Date: 3-18-05
Time: 3:45
Initial: CDM



The Law Offices of
PHILLIPS & BORDALLO

RECEIVED BY: [signature]
DATE: 3-18-05
TIME: 3:55

Dear Gentlemen and Lady,


We have recently learned that the parties in *Santos vs. Guam*, CV04-00006 intend to participate in court ordered mediation concerning certain issues. As you know, on behalf of our plaintiffs Christina S. Naputi and Mary Grace Simpao, we have entered an appearance in the *Santos* action and filed a complaint in the District Court of Guam embracing a number of issues also present in the *Santos* case. See *Naputi et al vs. Guam*, CV04-00049.

With this in mind, we write to learn whether you have any objection to our participation in the mediation. We believe that our participation may lead to the resolution of common questions and issues and speed a resolution to litigation in each case. If you should have any questions regarding this matter, please feel free to contact me at the above contact numbers. Thank you for your attention in this matter. We look forward to a response at your earliest convenience.

Respectfully,

Van de veld, Shimizu, Canto, & Fisher

By:


THOMAS J. FISHER, ESQ.
Attorney At Law

TJF:msn
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